



Department of Defense DIRECTIVE

NUMBER 1000.4

September 4, 1996

DA&M

SUBJECT: Federal Voting Assistance Program (FVAP)

- References:
- (a) DoD Directive 1000.4, "Federal Voting Assistance Program (FVAP)," November 25, 1980 (hereby canceled)
 - (b) Executive Order 12642, "Designation of the Secretary of Defense as the Presidential Designee Under Title I of the Uniformed and Overseas Citizens Absentee Voting Act," June 8, 1988
 - (c) Sections 1973ff - 1973ff-6 of title 42, United States Code
 - (d) DoD Directive 5105.53, "Director of Administration and Management," May 24, 1988
 - (e) through (h), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update policy and responsibilities for the FVAP under reference (b).

1.2. Continues to implement reference (b) wherein the Secretary of Defense is named the "Presidential designee" and assigned responsibility for oversight of the FVAP under reference (c).

1.3. Continues to assign responsibility and delegate authority to the Director of, Administration and Management, Office of the Secretary of Defense (DA&M, OSD), to carry out the FVAP for the Secretary of Defense, consistent with reference (d) and DoD Directive 1344.13 (reference (e)).

2. APPLICABILITY AND SCOPE

This Directive applies to:

2.1. The Office of the Secretary of Defense(OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”); and the Coast Guard, the Commissioned Corps of the Public Health Service (PHS), and the National and Oceanic and Atmospheric Administration (NOAA) under agreements with the Departments of Transportation, Health and Human Services, and Commerce, respectively. The term “Uniformed Services” refers to the Army, Navy, Air Force, Marine Corps, Coast Guard, and their Reserve components, as well as the Commissioned Corps of the PHS and the NOAA.

2.2. Other Federal Executive Departments and Agencies that provide assistance to the FVAP under 42 U.S.C. 1973ff (c) (reference (c)). (Participating Federal Executive Departments and Agencies shall adopt regulations and procedures that conform to this Directive to the maximum extent practicable, consistent with their organizational missions).

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD policy that:

4.1. The Heads of the DoD Components and the Uniformed Services shall encourage eligible voters in their organization to participate in elections for Federal, State, and local office.

4.2. The FVAP shall be administered to ensure that eligible voters are provided, under Section 1973ff (b) (5) of reference (c), information about registration procedures and voter materials pertaining to scheduled elections, including dates, offices involved, constitutional amendments, and other ballot proposals.

4.3. Unless precluded by military necessity, every eligible voter shall be afforded

an opportunity to register and vote in any election for which he or she is eligible.

4.4. Voting in person or by absentee process shall be offered when local conditions allow eligible voters to participate in the electoral process.

4.5. Voting assistance shall be provided in such a manner as to safeguard the integrity of the electoral process and secrecy of the ballot.

4.6. All necessary steps shall be taken to prevent fraud and to protect voters against any coercion, to include the following:

4.6.1. No member of the Uniformed Services shall attempt to influence any other member to vote or not to vote, or to require any member to march to any polling place or place of voting as proscribed under 18 U.S.C. 609 (reference (f)). Nothing in this Directive shall be considered to prohibit free discussion about political issues or candidates for public office as prescribed in Section 609 of reference (f).

4.6.2. No person shall poll any eligible voter in the DoD Components or the Uniformed Services before or after he or she votes, as proscribed in Section 18 U.S.C. 596 of (reference (f)).

4.6.3. Nothing in this Directive shall preclude taking of official surveys authorized by Section 1973ff (b) (6) of reference (c) to report to the President and the Congress the effectiveness of the assistance provided to eligible voters, including a statistical analysis of voting participation and a description of State and Federal cooperation.

5. RESPONSIBILITIES

5.1. The Director of Administration and Management, Office of the Secretary of Defense, shall:

5.1.1. Carry out the FVAP for the Presidential designee, the Secretary of Defense.

5.1.2. Act for the Presidential designee to coordinate and implement such actions as may be required to discharge Federal responsibilities assigned in E.O. 12642 (reference (b)) and 42 U.S.C. 42 U.S.C. 1973ff ((reference (c))).

5.1.3. Manage, coordinate, and perform the responsibilities assigned to the

Presidential designee in E.O. 12642 (reference (b)) and 42 U.S.C. Section 1973ff of (reference (c)).

5.1.4. Establish and maintain liaison with officials of the State legislatures, and with State and local government officials.

5.1.5. Be the sole DoD representative for obtaining from each State current voting information and disseminating it to other Federal Executive Departments, Agencies, and the DoD Components authorized by Section 1973ff (b) (5) of reference (c). In this regard, the DoD Components and participating departments and agencies may not contact State and local government officials about voting matters.

5.1.6. Encourage and assist States and other U.S. jurisdictions to adopt the mandatory and recommendatory provisions of reference (c) and advise them on the applicability of Federal laws and regulations to their individual electoral systems.

5.1.7. Establish a DoD Voting Assistance Program to cover all eligible DoD voters of the Department of Defense (military and civilian) to assist those personnel to vote.

5.1.8. Publicize the right of citizens to participate in the electoral process under (reference (c)).

5.1.9. Review and coordinate the informational and educational effort directed toward all persons covered by reference (c).

5.1.10. Provide an ombudsman service for all persons covered by reference (c) and for State and local government officials.

5.1.11. Designate a week in August of each even-numbered year for the purpose of encouraging military personnel and their family members to exercise their right to vote.

5.1.12. Conduct a survey of U.S. citizens (military and civilian) covered by Section 1973ff-3 (8) of covered by 42 U.S.C. 1973(ff)-3 (8) (reference (c) to gather necessary statistical information to prepare the report to the President and the Congress required by Section 1973ff (b) (6) of reference (c).

5.2. The Heads of the DoD Components shall:

5.2.1. Disseminate voting information and provide assistance to eligible

voters in their organization, including the services of an official to administer oaths.

5.2.1.1. Provide information and assistance to all eligible voters.

5.2.1.2. Ensure command support at all levels for the FVAP.

5.2.1.3. Designate an officer of general or flag rank in each Uniformed Service as the “senior military voting officer” to manage respective Service voting programs.

5.2.1.4. Designate voting officers at every level of command who are trained to carry out their assigned responsibilities. One senior voting officer on each installation should be assigned to coordinate the programs conducted by subordinate units and tenant commands. Where possible, installation voting assistance officers should hold the rank of O-4 or higher. When military personnel (including noncommissioned officers) are designated as voting assistance officers, they are authorized by this Directive to administer oaths in connection with voting registration and voting. Voting officers should be readily available and equipped to give personal assistance to voters for all elections. Additionally, any person who appears to need assistance in reading or understanding any English language material on voting or voter registration should receive immediate assistance in the appropriate language.

5.2.1.5. Obtain and disseminate expeditiously voting information and related materials, such as the “Voting Assistance Guide”; Standard Form (SF) 76, “Federal Post Card Application (FPCA)”; and SF 186, “Federal Write-In Absentee Ballot (FWAB).” Materials are to be purchased in sufficient quantities to furnish registration and ballot request support for all elections.

5.2.1.6. Ensure the in-hand delivery of SFs 76 by August 15 of even numbered years to eligible voters who are serving outside the territorial limits of the United States.

5.2.1.7. Ensure the in-hand delivery of SFs 76 by September 15 of even numbered years to eligible voters in the United States.

5.2.1.8. Require the Inspectors General of the Military Departments to include the FVAP as an item for specific review at every level of command to ensure that persons are informed and provided an opportunity to exercise their right to vote, and that the command has adequately provided for voting officers and support materials.

5.2.1.9. Provide for continuing evaluation of command voting programs.

5.2.1.10. Establish and publicize the availability of a special telephone service, the "Voting Action Line," to link unit voting officers with their respective Uniformed Service senior service voting officer or voting action officer at the Departmental level. Emphasis shall be placed on providing rapid and accurate responses and solutions to voting-oriented problems.

5.2.1.11. During years with elections for Federal office, ensure that all Uniformed Services personnel receive at least one briefing, training period, or information period of instruction devoted to absentee registration and voting. Emphasis should be placed on encouraging the exercise of the right to vote and on the availability of voting information, supporting materials, and personal assistance.

5.2.1.12. Provide telephone operators at every military installation with the names and office telephone numbers of unit or installation voting assistance officers.

5.2.1.13. File an after-action report in the format specified by the Director, FVAP.

5.2.1.14. Assist in conducting official surveys as in the manner specified by the Director, FVAP.

5.2.2. Not contact State and local government officials about voting matters. The DA&M, OSD, shall be the sole DoD representative for contact and coordination with Federal, State, and local government entities for voting assistance and elections pursuant to 42 U.S.C. 1973ff (b) (1) (reference (c)).

6. INFORMATION REQUIREMENTS

The Statistical Analysis and Reporting requirements identified at paragraphs 5.1.1. and 5.2.1.13, above, have been assigned Report Control Symbol DD-DA&M(AR)1918 in accordance with DoD 8910.1-M (reference (g)). The interagency reporting requirements have been cleared in accordance with FIRMR 201-9.202-2 (reference (h)) and assigned Interagency Report Control Number 1496-DOD-BI.

7. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read 'John P. White', is written over a horizontal line.

John P. White
Deputy Secretary of Defense

Enclosures - 2

1. References
2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1344.13, "Implementation of the National Voter Registration Act (NVRA)," November 16, 1994
- (f) Sections 596 and 608-609 of title 18, United States Code
- (g) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 8910.1, June 11, 1993
- (h) Federal Information Resources Management Regulation (FIRMR) 201-9.202-2, July 1995

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Eligible Voter. An “absent Uniformed Services voter” defined as an active duty member of the Uniformed Services or Merchant Marine, including a family member, who is absent from the place of residence where he or she is otherwise qualified to vote, or an “overseas voter” defined as an absent Uniformed Services voter who, by reason of active duty or service is absent from the United States on the date of the election involved, or a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States, or a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

E2.1.2. Federal Office. The Office of the President and the Vice President; Presidential Elector; Member of the U.S. Senate, Member of the U.S. House of Representatives; Resident Commissioner from the Commonwealth of Puerto Rico; or Delegate from American Samoa, the District of Columbia, Guam, or the Virgin Islands.

E2.1.3. Installation Voting Officer. An individual responsible for the FVAP at the installation level.

E2.1.4. Local Election. An election for candidates for a local office, such as municipal, county, township or village elections, or referendums of local interest.

E2.1.5. Official Survey. A survey of citizens covered by 42 U.S.C. 1973ff (reference (c)), as required for report to the President and the Congress.

E2.1.6. Poll. Any request for information that requires or implies the necessity of an answer, with the intent being to report or publish the compiled result of the answers obtained.

E2.1.7. Senior Service Voting Officer. An individual at the 0-7 grade, or higher, responsible for implementing the FVAP in his or her respective Service.

E2.1.8. Service Voting Action Officer. An individual at a Uniformed Service headquarter level responsible for voting assistance operations for his or her respective Service.

E2.1.9. State Election. Any election held solely, or in part, for selecting, nominating, or electing any candidate for any State office, such as governor, lieutenant governor, attorney general, or State legislator, or on issues of State-wide interest.

E2.1.10. Unit Voting Assistance Officer. An individual at the unit level of a Uniformed Service responsible for voting assistance.

E2.1.11. Voting Residence. The legal residence or domicile in which the voter is registered to vote.